

CERTIFIED FOR PARTIAL PUBLICATION¹

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

SCOTT C. ANZALONE,

Defendant and Appellant.

D044138

(Super. Ct. No. SCN155182

[NO CHANGE IN JUDGMENT]

THE COURT:

The opinion filed July 13, 2006, is modified as follows:

At DISCUSSION C 3 second to last paragraph beginning with "Thus, while" and ending with "is waived" (slip opn. p. 19), replace the two words "misconduct" with the words "error"

¹ Pursuant to California Rules of Court, rule 976.1, this opinion is certified for publication with the exception of DISCUSSION A. *Instruction on Other Crimes Evidence*, B. *Prosecutorial Misconduct*, D. 3. *Ineffective Assistance During Defense Argument*, D. 4. *Ineffective Assistance During Investigation*, and E. *Sentencing*.

At DISCUSSION D 2 c first paragraph beginning with "Appellant argues" and ending with "murder counts" (slip opn. p. 22), replace the word "misconduct" with the word "error"

The petition for rehearing is denied.

There is no change in the judgment.

BENKE, Acting P. J.

Copies to: All parties